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ATTORNEY DOCKET NO. D0968-00044

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cronk et al.

Confirmation No. 8333

Serial No.: 10/676,520

Group Art Unit: 2835

Filed: September 30, 2003

Examiner: Lewis, Aaron J.

For: Adhesively Applied External Nasal Strips and Dilators Containing
Medications and Fragrances

MS: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1540

Sir:

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION OVER A "PRIOR PATENT"**

The owner* **Peter and Kristen Cronk** of **100 percent** interest in the instant application hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,769,428; 6,276,360 and 6,244,265**, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent "as the term of said prior patent is presently shortened by any terminal disclaimer" in the event that said prior patent later:

expires for failure to pay a maintenance fee;

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is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321;

has all claims canceled by a reexamination certificate;

is reissued, or

is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer

** Statement under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner) form PTO/SB/96 may be used for making this certification. See MPEP § 324.*

Check either 1 or 2 below, if appropriate

1. ☐ For submission on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Registration No. 32,021.

Fee Status (37 C.F.R. 1.20(d))

☒ Small entity fee: \$65.00.

☐ Other than a small entity fee: \$130.00

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Fee Payment

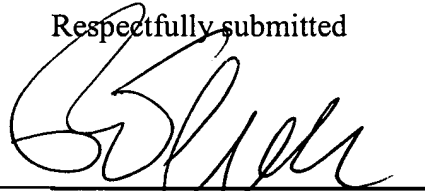
[] Attached is a check in the amount of \$_____

[X] Please charge Deposit Account No. 04-1679 in the amount of \$65.00.

[X] Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1679.

Date: April 4, 2005

Respectfully submitted



Peter J. Cronk
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